IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 18341 of 2007(S)

PETITIONER:

P.SANDEEP, FLAT NO.11, HILL PARK
APARTMENT, KUSUMAGIRI P.O., KAKKANAD,
KOCHI - 682 030.

BY ADV. SRI.P.S.BIJU

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE TRANSPORT COMMISSIONER,
GOVT. OF KERALA, KTDFC COMPLEX,
THIRUVANANTHAPURAM - 695 023.

3. M/S.ZODIAC COM.SOLUTIONS PVT LTD, P-69,
IST FLOOR, SOUTH EXTENSION PART-I,
NEW DELHI - 110041 THROUGH ITS MANAGING DIRECTOR.

4. M/S.LEAP TECHNO SYSTEM, NO.58,
MALAPPURAM ROAD, THALAKKADATHUJR POST,
TIRUR - 676103, THROUGH ITS MANAGING PARTNER.

5. M/S.I.T.I. LTD,
A GOVT. OF INDIA UNDERTAKING, ITI BHAWAN,
DOORVANINAGAR, BANGALORE - 560016 THROUGH
ITS CHAIRMAN - MANAGING DIRECTOR.

R1 & R2 BY SR. GOVERNMENT PLEADER SMT. K. MEERA.

R3 & R4 BY ADV. SRI.MILLU DANDAPANI

R5 BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2007, ALONG WITH WPC NO. 22555 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.18341/07

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE REPRESENTATION DATED 30.5.2007.

EXT.P2 TRUE COPY OF THE LETTER OF MINISTRY AND TRANSPORT DATED 31.01.01.

EXT.P3 TRUE COPY OF THE SEBI NOTICE DT. 20.6.01.

EXT.P4 TRUE COPY OF THE SUMMONS OF SEBI TO ZODIAC DATED 12.9.03.

EXT.P5 TRUE COPY OF THE ORDER OF THE ADJUDICATING OFFICER DATED 10.12.03.

EXT.P6 TRUE COPY OF THE ORDER IN M.A. NO.24/06 IN APPEAL NO.105/06 DATED 25.8.06 OF THE SECURITIES APPELLATE TRIBUNAL, MUMBAI.

EXT.P6(A) TRUE COPY OF THE ORDER IN APPEAL NO.105/06 DATED 25.8.06 OF THE SECURITIES APPELLATE TRIBUNAL, MUMBAI.

EXT.P7 TRUE COPY OF THE R2EPORT IN BUSINESS STANDARD EDITION DATED 12.10.06.

EXT.P8 TRUE COPY OF REPORT DATED 4.3.2006 SUBMITTED BY THE PUBLIC ACCOUNTS COMMITTEE TO THE DELHI.

EXT.P9 TRUE COPY OF THE ORDER IN W.P.(C). NO.2/07 OF THE HONOURABLE SUPREME COURT.

EXT.P10 TRUE COPY OF THE DECISION OF THE KERALA GOVT. VIDE NOTIFICATION DATED 29.6.06.

RESPONDENTS' EXHIBITS: NIL.

/ TRUE COPY/

PS TO JUDE.

H.L. DATTU, CJ. & K. M. JOSEPH, J.

W.P.C. NOS. 18341/07S & 22555/07S

Dated this the 19th December, 2007

JUDGMENT

H. L. DATTU, C.J:

A tax payer is before us in W.P.(C). No.18341/07 under Article 226 of the Constitution of India, seeking the following reliefs:

> *"i. Issue a writ of mandamus or any other writ to respondents 1 & 2, to strictly comply with the Motor Vehicles Act, 1988 and charge fee from the public for issuance of "Smart Card" based Registration Certificate strictly in conformity with Rule 81 of the Central MV Rules, ie. Rs.200/=:*
>
> *ii. Direct respondents 1 & 2 to cancel the tender for smart optical card based RC and the decision dated 29.6.2006 of awarding the tender to respondent no.3-5 consortium.*
>
> *iii. Pass appropriate orders conducting or causing to be conducted by an independent impartial agency, a thorough investigation into the technology and the vendors of the smart optical card especially with respect to price, cartelization and price rigging, inter-operability, uniformity, assignability and its desirability vis-avis the microprocessor cards.*
>
> *iv. Issue a writ of mandamus directing an independent and impartial ainquiry probing the circumstances aunder which the respondent No.5 and its managing directors/other directors entered into Joint Venture with the respondent no.3:"*

2. During the pendency of the Writ Petition, the respondents have passed an order dated 19.2.2007. By the said Order, they have cancelled the earlier order

dated 20.01.2006.

3. In view of the subsequent developments that have taken place during the pendency of the Writ Petitions, in our opinion, no further issue survives for consideration by this Court. Therefore, the Writ Petitions have become unnecessary and they require to be rejected and they are rejected. However, we grant liberty to the petitioners to approach this Court, if need arises, in future.

4. I.A. No.13019 of 2007 is dismissed.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

kbk.